




OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

Human Resources Division

Title:	Use of Firearms	HR_450_22
Supersedes:	HR_450_22, dated November 1, 2010	
Applicability:	All employees	
Reference:	ORS 166.370, 181.534, 496.012(1), (5), 496.121, 498.012 and 498.016. OAR 125-155-0500(5)(e), 635-Division 600 and HR_450_17.	
Effective Date:	May 15, 2012	Approved: 

I. PURPOSE

To set department parameters for the use of firearms while on duty.

II. DEFINITIONS

- A. Firearm: Any shotgun, rifle, handgun or other implement used for wildlife management purposes, including those capable of delivering immobilization drugs, projecting nets for wildlife capture, or used for wildlife hazing (including "crackers"), when live ammunition is used and a projectile is propelled by the action of an explosive. Firearm does not include a tool used primarily for noise in wildlife hazing activities which is incapable of firing live ammunition and propelling a projectile by the action of an explosive.
- B. Physical Force: Taking action that is capable of causing personal injury.
- C. Wildlife Management Purposes: Includes but is not limited to euthanizing injured or sick wildlife, killing or hazing nuisance animals and birds, collecting animals for research or other studies, and protection from dangerous animals in close quarters.
- D. Education: Includes transporting firearms for use in Hunter Education classes, training volunteer instructors in classroom teaching techniques or training employees in firearm safety.

III. POLICY

No employee of the Department of Fish and Wildlife shall use, possess, issue, transport, purchase, sell or forfeit firearms or munitions, have access to firearms or munitions or train others in the use or handling of firearms while on official duty unless prior authorization has been obtained pursuant to this policy.

Firearms shall be used for wildlife management or education purposes only. It shall be clear that the intended use does not include physical force, personal protection, or personal use.

Any employee not complying with this policy will be subject to disciplinary action up to and including dismissal.

A. Criminal History Checks

The department shall conduct a criminal history background check, pursuant to ODFW policy HR_450_17, on every employee prior to assigning duties that involve the use, possession, issuance, transport, purchase, sale or forfeiture of firearms or munitions, access to firearms or munitions or the training of others in the use or handling of firearms, and annually at the time of the employee's performance evaluation until such time as the employee's assigned duties no longer require the use, possession, issuance, transport, purchase, sale or forfeiture of firearms or munitions, access to firearms or munitions or the training of others in the use or handling of firearms.

1. The Human Resources Division shall complete the criminal history check and shall report to the supervisor only that the employee may or may not use, possess, issue, transport, purchase, sell or forfeit firearms or munitions, have access to firearms or munitions or train others in the use or handling of firearms while on official duty.
2. Any employee who knowingly provides false, inaccurate or incomplete information for the criminal history background check shall be subject to disciplinary action up to and including dismissal.
3. Employees shall report any felony conviction or any misdemeanor conviction for domestic violence immediately, in writing, to the site supervisor who shall contact the Human Resources Analyst. Such convictions may disqualify the employee from the use, possession, issuance, transport, purchase, sale or forfeiture of firearms or munitions, access to firearms or munitions or the training of others in the use or handling of firearms in the line of duty.

B. Disqualification

1. If the criminal history check shows any felony or domestic violence misdemeanor or any other condition that could prohibit possession of a firearm, and:
 - a. the use, possession, issuance, transport, purchase, sale or forfeiture of firearms or munitions, access to firearms or munitions or the training of others in the use or handling of firearms is an essential function of the position,
 - 1) the applicant shall be denied the position;
 - 2) an employee shall be subject to the removal and/or dismissal process as provided by the collective bargaining agreement or HR Policy 470_02, Management Service Dismissal or Removal.
 - b. the use, possession, issuance, transport, purchase, sale or forfeiture of firearms or munitions, access to firearms or munitions or the training of others in the use or handling of firearms is a convenience for the department, but not an essential function of the position:
 - 1) the applicant will be denied the position;
 - 2) the Human Resources Division Administrator in conjunction with the appropriate Region Manager or Division Administrator shall determine whether the employee will be assigned duties that do not

require the use, possession, issuance, transport, purchase, sale or forfeiture of firearms or munitions, access to firearms or munitions or the training of others in the use or handling of firearms.

C. Authorized Use of Firearms

1. Division administrators or region managers may designate specific positions within their programs to use or have access to firearms and munitions for wildlife management or education purposes. Such designation shall be documented on the position description of each designated position and shall be identified as a requirement in any recruiting announcement for that position.
2. The position description shall identify all acceptable firearm and munitions uses for that position and shall be signed by both the employee and immediate supervisor. Firearm and munitions use may include anticipated uses not directly associated with the position that fulfill department needs. An employee shall not use firearms and munitions until the position description reflects the requirements above and all required training as outlined in this policy has been completed.
3. The immediate supervisor of each employee in a position granted authority to use or carry a firearm in the performance of work duties shall ensure compliance with all aspects of this policy.

D. Authorized Firearms

The department shall be responsible for supplying the appropriate firearms for employee use. The following section details the types of firearms and any restrictions upon their use.

1. Shotguns and Rifles

Authorized employees may use any shotgun or rifle owned by the department.

2. Handguns

- a. Employees shall not use or carry handguns unless written permission is obtained from the employee's immediate supervisor for each specific activity. (Attachment A - Special Firearms Authorization)
- b. Handguns shall be carried or used only for very unique situations such as horse pack trips and dealing with dangerous animals in close quarters when rifles or shotguns are determined to be much less effective. Examples include dealing with trapped animals or working near bear dens.

3. Employee-Owned Firearms

- a. Employee-owned firearms that meet the requirements of this policy and are determined by the employee's supervisor to be safer and more effective than an ODFW firearm, may be authorized for specific activities by an employee's immediate supervisor. (Attachment A - Special Firearms Authorization)
- b. The supervisor shall ensure that employees are properly trained in the use of any firearm before allowing it to be used in the course of ODFW activities,

regardless of ownership. Employees shall not be compensated for any lost, stolen or damaged personal firearm used on the job.

- c. Employees shall be responsible for all maintenance of personal firearms and ensuring the firearm is in good working order.

4. Concealed Handgun License

No employee shall carry a concealed firearm under the authority of a concealed handgun license while on official duty for the department.

E. Training and Training Records

No employee shall carry or use a firearm as part of the employee's official duties until the following training requirements are met:

1. Initial Training

All new hires and employees transferring into a position that requires the use of firearms shall, at a minimum, satisfactorily complete a Hunter Education class before carrying or using firearms on duty, with the following exceptions:

- a. Individuals who show evidence of completing a Hunter Education course in Oregon or any other state or Canadian province in the past three years.
- b. Individuals who show evidence of completing a law enforcement firearm training course within the past three years.
- c. Members of a Military Reserve or National Guard unit who have completed mandatory firearms training within the past three years.
- d. Employees certified as a Hunter Education instructor having taught the firearm safety module of a Hunter Education course within the past three years.
- e. Employees attending a training course sponsored or approved by the department for this specific purpose.

2. Continuation Training

After meeting the initial training requirements, employees shall meet at least one of the following requirements every three years:

- a. Attend or assist in the firearm safety and live fire segments of a Hunter Education course.
- b. Complete a firearm safety course that is approved in Oregon for the issuance of a Concealed Weapons Permit.
- c. Complete mandatory firearms training as a member of a law enforcement organization or a Military Reserve or National Guard unit.

d. Attend a firearms training session approved or sponsored by the department designed for this specific purpose.

3. Specialized Training: Tranquilizing Immobilization Firearms and Net Guns

In addition to the initial and continuation training required above, employees using firearms capable of delivering immobilizing drugs to animals or projecting nets for capture, shall be properly trained in the specific use of that equipment.

4. Training Records

Supervisors shall maintain records of training, send copies to the Human Resources Division, and ensure their employees are given adequate opportunity to receive training within the required time.

F. Firearms Storage, Transport and Maintenance

1. Storage

a. Firearms and ammunition, including employee-owned firearms, shall be stored in a locked gun safe if possible. If a gun safe is not available, the firearms shall be stored in a locked area or room. When a firearms safe is not available, firearms will be secured with action locks or in a locked case.

b. Firearms and ammunition stored in an office or workplace environment shall be kept out of sight from public view and shall not be accessible by the public or on-site contract services staff (e.g., janitorial services, office copier repair contractors).

c. Office or other personnel may be given access to gun storage areas as approved by their immediate supervisor.

d. Each station or work unit shall identify an employee to be responsible for the safe and proper storage of all firearms.

2. Transport

a. Firearms shall be kept out of sight while in a vehicle. Overhead gun racks or mounts and behind-the-seat cases or bags are acceptable.

b. Firearms shall be unloaded while in transport to and from field activities. Unless securely locked to the vehicle, firearms should be returned to storage areas and not be left in vehicles overnight at the employee's workstation. When at the worksite, employees should return firearms to locked storage area where available.

3. Maintenance

a. Each employee granted authority to use or carry a firearm in the performance of work duties is responsible for the maintenance of equipment issued. This includes but is not limited to physically inspecting firearms for good working condition and barrel obstructions before each use. Firearms

that have not received regular use shall be inspected and cleaned at least every six months.

- b. Any firearm whose reliability is in question or that requires modification shall be inspected and repaired by a qualified gunsmith only.

G. Lending Firearms

1. In general, firearms shall not be loaned.
2. Firearms capable of delivering immobilization drugs may be loaned to properly trained individuals for specific wildlife management purposes benefiting the department. The department employee responsible for the equipment shall establish a loan tracking system.

H. Special Use Areas

1. Private Lands

An ODFW employee may need to enter private lands to perform duties requiring use of a firearm. In such instances, the employee shall request permission of the landowner to enter the property, shall inform the landowner of the reason for possible firearm use prior to entering the property, and shall provide to the landowner the results of any discharge of firearm.

2. Lands Closed to Public Use of Firearms

ODFW may need to use a firearm for wildlife management purposes in areas where another jurisdiction, such as a city, county, federal, or other state agency, has prohibited the use of firearms by the public. In such instances the employee shall contact the administering authority or a law enforcement officer to assist or to take the lead in the activity if the use of firearms is determined to be required.

I. Reporting

1. Any injury to a person caused by a firearm under the control of an on-duty employee shall be reported immediately to the employee's supervisor and the Oregon State Police.
2. Any time a firearm is discharged accidentally, causes property damage or creates an unsafe working condition in the course of an employee's duties, the employee shall report the incident to the supervisor no later than 24 hours after returning from the field or activity.

J. Inventory

1. Each firearm, whether it is obtained through purchase, donation, or through court order, or owned by an employee, shall be recorded in the region or division work station inventory. A property number shall be inscribed on each department-owned firearm. To place a firearm on the property inventory, contact Property Control, Fiscal Section, Administrative Services Division for a reporting form.

2. Any firearm deemed inoperable and unusable shall first be offered for transfer to the Hunter Education Program. If not accepted by Hunter Education, that firearm shall be removed from the property inventory by the use of the Property Disposition Form and shall be sent to Surplus for disposal.
3. Each region/station shall identify one employee responsible for inventory maintenance and control/check-in of firearms.

K. Managers and supervisors shall:

1. Provide to each employee who is assigned to use, possess, issue, transport, purchase, sell or forfeit firearms or munitions, have access to firearms or munitions or train others in the use or handling of firearms while on official duty, a copy of this policy and an opportunity to read it and ask questions before allowing the employee access to firearms or munitions.
2. Ensure that:
 - a. Employees are in compliance with the policy;
 - b. Position descriptions require employees to use firearms in the performance of their duties;
 - c. Appropriate criminal history checks are completed prior to employees being allowed to access weapons in the course and scope of their duties;
 - d. All training is completed;
 - e. A thorough review of all incidents is completed in accordance with policy;
 - f. The need for the use of firearms is re-evaluated periodically, and that position descriptions are update accordingly; and
 - g. Re-certification requirements are completed in a timely manner.

Attachment A Special Firearms Authorization

	<h2 style="margin: 0;">OREGON DEPARTMENT OF FISH AND WILDLIFE</h2> <h3 style="margin: 0;">Special Firearms Authorization</h3>
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Pursuant to HR Policy 450_22, Use of Firearms, _____ (print name) is authorized to (check the appropriate section):

Use or carry a handgun for (identify the specific activity): _____

Use his/her personal firearm in the course and scope of his/her assigned duties for (identify the specific activity): _____

Use of firearms as hereby authorized is subject to all the terms and conditions of HR Policy 450_22, Use of Firearms. The current position description for this employee includes the use of firearms in the course and scope of his/her employment.

This authorization is effective _____(start date) through _____(end date). This authorization may be revoked at any time without notice.

Employee's signature

Supervisor's signature

Date

Date

This authorization form shall be retained in the supervisor's working file.